IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 626/2007
(Kamla Shankar Sharma Vs. State of Rajasthan & Ors.)

Date of Order : 08/02/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Sudhir Sharma for the petitioner.

BY THE COURT:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 22.1.2007 Annex.1 by which the petitioner has been transferred from Primary Health Center, Bhichor to Primary Health Center, Chaichee.

Against the order impugned, the petitioner has an alternative remedy of an appeal before the Rajasthan Civil Services Appellate Tribunal and without exhausting the alternative remedy of appeal, the petitioner has filed the instant writ petition. The writ petition is therefore, liable to be dismissed.

Accordingly the writ petition is dismissed on the ground of availability of the alternative remedy of an appeal provided under the Statute. However, the petitioner is permitted

to file an appeal assailing the order impugned Annex.1 dated 22.1.2007 before the Rajasthan Civil Services Appellate Tribunal within 15 days from today and if such an appeal is filed within a period of 15 days from today, the period of limitation would not come in the way of the petitioner and for a period of 15 days from today, the effect and operation of the order impugned dated 22.1.2007 Annex.1 qua the petitioner shall remain stayed or any order passed by the tribunal whichever is earlier.

(H.R.PANWAR),J.

rp